

Horan, Alanna R. (CIV)

From: Horan, Alanna R. (CIV)
Sent: Thursday, April 17, 2025 3:20 PM
To: Horan, Alanna R. (CIV)
Subject: FW: CLJA -- Amendments of Materials Considered Lists.

From: Bain, Adam (CIV)
Sent: Friday, April 11, 2025 11:33 AM
To: jeb@belllegalgroup.com; Zina Bash <zina.bash@kellerpostman.com>
Cc: Anwar, Haroon (CIV) <Haroon.Anwar@usdoj.gov>; Mirsky, Sara J. (CIV) <Sara.J.Mirsky@usdoj.gov>; Platt, Elizabeth K. (CIV) <Elizabeth.K.Platt@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>
Subject: CLJA -- Amendments of Materials Considered Lists.

Ed and Zina,

This week we received amended “materials considered” lists for the two experts whose depositions are taking place today. For Dr. Sabatini, the amount of materials added to the list was substantial, and the amended list was provided just two days before his deposition. For Dr. Gilbert, the new materials included academic articles for three expert reports and the citations were provided on the eve of the deposition. The disclosures were months late and no justification was provided. We decided to proceed with these depositions, but we will reserve the right to keep the depositions open, and very well may seek additional time to question the experts about the late materials after we have had time to review them. These late disclosures upset the carefully considered disclosure schedule in the Court’s case management order, which builds in sufficient time for counsel to evaluate an expert’s materials considered prior to the deposition. If the Parties are unable to come to an agreement on this issue, particularly given that there are several upcoming depositions where this could recur, we will bring this to the court’s attention and seek relief, including amendment of the case management order, rescheduling of depositions, and other appropriate relief. We are happy to discuss this with you further.

Best,

Adam



Adam Bain
Special Litigation Counsel
Civil Division, Torts Branch
U.S. Department of Justice
202-616-4209 (Office)
202-598-0930 (Mobile)
adam.bain@usdoj.gov

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